

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ACCENT DELIGHT INTERNATIONAL LTD. et al.,	:	
	:	
Plaintiffs,	:	
	:	18-CV-9011 (JMF)
-v-	:	
	:	<u>MEMORANDUM OPINION</u>
SOTHEBY’S et al.,	:	<u>AND ORDER</u>
	:	
Defendants.	:	
	:	
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JESSE M. FURMAN, United States District Judge:

On March 15, 2023, the parties filed a joint letter identifying the documents submitted in connection with their motions for summary judgment, motions to preclude expert testimony, and motion to strike that they believe should remain under seal or in redacted form. ECF No. 516. Although a district court must generally consider sealing requests on a document-by-document basis, *see Brown v. Maxwell*, 929 F.3d 41, 48 (2d Cir. 2019), the Court reviewed a random selection of the parties’ requests given the number and nature of documents at issue. With six exceptions, the Court concludes that the parties’ requests are narrowly tailored to “preserve higher values,” *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 120 (2d Cir. 2006) (internal quotation marks omitted) — namely privacy interests, confidential business or client information, and respect for international law — and thus approves them.


The exceptions are ECF Nos. 471-13, 471-67, 479, 481, 483-6 (although the Court agrees that the agreement on pages 3-20 of the 483-6 can and should remain under seal because it constitutes and/or contains confidential business information), and 483-7. The parties filed these documents under seal at the request, in part, of third party Sanford Heller because they allegedly

contain “confidential commercial information.” ECF No. 516, at 5, 8, 12, 13. But there is no basis to keep these documents entirely under seal and/or with all of the proposed redactions. Plaintiffs cite ECF Nos. 471-13 and 471-67 and specific information contained therein in their publicly filed Local Rule 56.1 response. *See, e.g.*, ECF No. 466, ¶¶ 60, 328. The Court quoted from ECF No. 483-6 in its March 1, 2023 Opinion, ECF No. 510, at 35; the language that the Court quoted also appears in ECF No. 479, at 3, and ECF No. 481, ¶ 483. (The Court sees no problem with the other redactions requested by Sotheby’s in ECF Nos. 479 and 481.) And ECF No. 483-7, at 4 contains, in substance, the same information that the Court quoted.

Accordingly, by **March 31, 2023**, Plaintiffs are directed to show cause in writing why ECF Nos. 471-13, 471-67, 483-6 (except for the agreement at pages 3-20), and 483-7 should not be filed publicly; and why ECF Nos. 479 and 481 should not be refiled publicly without the redactions requested by Mr. Heller. If Plaintiffs and/or Mr. Heller think additional redactions to any of the documents would be appropriate, they may propose narrow redactions. If Plaintiffs fail to show cause, the documents will be unsealed without further notice (except for the agreement on pages 3-20 of ECF No. 483-6 and the redactions requested by Sotheby’s in ECF Nos. 479 and 481). Otherwise, the parties’ request to maintain the documents referenced in their March 15, 2023 letter in sealed or redacted form is GRANTED without prejudice to anyone — including third parties — moving for reconsideration as to a particular document or documents.

SO ORDERED.

Dated: March 27, 2023
New York, New York



JESSE M. FURMAN
United States District Judge